

REMARKS

No claims have been amended. Claims 44-47, 49, and 124-145 are currently pending in this application.

Applicants graciously acknowledge the allowance of claims 126, 127, 130, 131, 136, 139-141 and 143-145.

Claims 44-47, 49, 124, 125, 128, 129, 132-135, 137, 138 and 142 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19-22 of copending Application No. 10/281,153 in view of Moore et al., U.S. Patent Publication No. 2002/0127886.

Applicant respectfully submits that the '153 application is not a valid reference. Both the present application and the '153 application are divisional applications of U.S. Application 09/809,331, now U.S. Patent No. 6,734,455. The '153 application was filed in response to a restriction requirement dated March 14, 2002, in the '331 application and before the issuance of the '455 patent. Likewise, the present application was filed in response to a restriction/election requirement dated July 9, 2003, in the '331 application and before the issuance of the '455 patent. 35 U.S.C. § 121 "prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application, if the divisional application is filed before the issuance of the patent." M.P.E.P. § 804.01. Therefore, withdrawal of this rejection is respectfully requested.

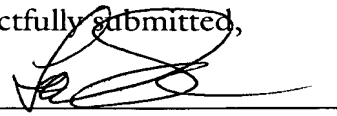
Application No.: 10/758,008
Amendment dated May 23, 2005
Reply to Office action dated March 10, 2005

Docket No.: M4065.0609/P609-C

In view of the above remarks, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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